

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America,

Case No. 17-cr-0105 (WMW/SER)

Plaintiff,

**ORDER DENYING MOTION TO  
REDUCE SENTENCE**

v.

Horace Lawrence Washington,

Defendant.

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This matter is before the Court on Defendant Horace Lawrence Washington's motion to reduce his sentence. (Dkt. 39.) The Court sentenced Washington to 120 months' imprisonment on October 31, 2017. Washington now seeks a reduction in his sentence pursuant to Title 18, United States Code, Section 3582(c)(2).

A district court may reduce the sentence of "a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission . . . if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission." 18 U.S.C. § 3582(c)(2); *accord United States v. Koons*, 850 F.3d 973, 976 (8th Cir. 2017). Washington seeks a reduction in his sentence based on Amendment 782 to the United States Sentencing Guidelines. But Amendment 782 became effective on November 1, 2014, three years before the Court sentenced Washington. *See Koons*, 850 F.3d at 975. Because Amendment 782 predates Washington's sentence, it did not subsequently lower the guidelines range applied to Washington. Moreover, because Washington's sentence was based on a statutory

mandatory minimum, *see* 21 U.S.C. § 841(b)(1)(B), his sentence could not have been “based on a sentencing range that has subsequently been lowered by the Sentencing Commission.” 18 U.S.C. § 3582(c)(2); *see also Koons*, 850 F.3d at 977-79 (holding that when a defendant’s guidelines range is below the statutory mandatory minimum, the sentence is “based on” the mandatory minimum).

Based on the foregoing analysis and all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that Defendant Horace Lawrence Washington’s motion to reduce his sentence, (Dkt. 39), is **DENIED**.

Dated: January 31, 2019

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge